

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
November 29, 2004**

CIVIL            INLINE, INC., et al.  
No.                v.  
G031864        A.V.L. HOLDING COMPANY et al.

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated and the cause resubmitted as of this date for a period of 45 days. The reason submission is vacated is to allow additional time for the preparation of the court's opinion. (Cal. Rules of Court, rule 23(e)(1).)

O'Leary, Acting P.J.

We concur:    Aronson, J.  
                      Fybel, J.

CIVIL            MICHAEL N. KALASHIAN et al.  
No.                v.  
G032397        RONALD C. KREBS et al.

Not for publication

Opinion filed. Judgment affirmed in part and remanded.

Moore, J.

We concur:    Bedsworth, Acting P.J.  
                      Ikola, J.

CRIM            THE PEOPLE  
No.                v.  
G032482        TONY ALBERTO STUBBS

Order filed. Due to inadvertence and clerical error, this court's order of November 22, 2004 incorrectly stated the reason submission was being vacated. The order of November 22, 2004, is therefore corrected to read as follows: Pursuant to California Rules of Court, rule 23(e)(1), submission of the above matter is vacated to permit the panel to further consider the application, if any, of *Blakely v. Washington* (2004) \_\_U.S.\_\_, 124 S. Ct. 2531. The cause is resubmitted for the time permitted by law.

By the Court

Before Rylaarsdam, Acting P.J., Aronson, J., and Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
November 29, 2004 (Cont'd)**

CRIM            THE PEOPLE  
No.            v.  
G032575      FRANCISCO J. HERNANDEZ

Order vacating submission. Pursuant to rule 23(e)(1) of the California Rules of Court, submission of the above-entitled matter is hereby vacated, and the cause resubmitted as of this date for the period allowed by law. The issues raised in this case require additional time for consideration and review.

Sills, P.J.

We concur: O'Leary, J.  
                 Ikola, J.

CIVIL            CONSUMER JUSTICE CENTER et al.  
No.            v.  
G032875      TRIMEDICA INTERNATIONAL, INC., et al.

Not for publication

Opinion filed. Motion to dismiss appeal granted.

Moore, J.

We concur: Bedsworth, Acting P.J.  
                 Aronson, J.

CRIM            THE PEOPLE  
No.            v.  
G033153      STEVEN EDWARDS

Not for publication

Opinion filed. Judgment affirmed in part, reversed in part and remanded.

Moore, J.

We concur: O'Leary, Acting P.J.  
                 Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
November 29, 2004 (Cont'd)**

CIVIL            ORANGE COUNTY SOCIAL SERVICES AGENCY  
No.               v.  
G033900       LISA G.

Order filed. On the court's own motion, and for good cause, submission of this matter is vacated to permit oral argument to be held. (Cal. Rules of Court, rule 23(e)(1).) The matter is scheduled for oral argument on December 14, 2004, at 900 a.m.

By the Court

Before Bedsworth, Acting P.J., Moore, J., and Fybel, J.

CIVIL            CAROL RICE  
No.               v.  
G034352       ROBERT RICE

Order filed. Appellant's motion to vacate the dismissal, reinstate the appeal, and be relieved from default is granted. The order of dismissal is vacated and the appeal is reinstated.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
November 30, 2004**

CIVIL No. G030858	CYNTHIA L. BURCH v. JOSEPH E. MCKEEVER	Not for publication
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Opinion filed. Order affirmed.

Sills, P.J.

We concur: O’Leary, J.  
Moore, J.

CIVIL No. G032088	CYNTHIA L. BURCH v. JOSEPH E. MCKEEVER	Not for publication
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Opinion filed. Order affirmed.

Sills, P.J.

We concur: O’Leary, J.  
Moore, J.

CIVIL No. G032195	CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION et al. v. GOVERNING BOARD OF THE SOUTH ORANGE COUNTY COMMUNITY COLLEGE DISTRICT	Certified for partial publication
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Opinion filed. Judgment reversed.

Aronson, J.

We concur: O’Leary, Acting P.J.  
Fybel, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
November 30, 2004 (Cont'd)**

CIVIL No. G032411	INDUSTRIAL INVESTORS v FUJITA CAPITAL CORPORATION USA, et al.	Not for publication
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FUJITA CAPITAL CORPORATION, et al.  
v.  
INDUSTRIAL INVESTORS;  
HAROLD DEAN DUNCAN, as Receiver, etc.

Opinion filed. Postjudgment order affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.  
Bedsworth, J.

CIVIL No. G032428	CYNTHIA L. BURCH v. JOSEPH E. MCKEEVER	Not for publication
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Opinion filed. Order affirmed.

Sills, P.J.

We concur: O'Leary, J.  
Moore, J.

CIVIL No. G033587	PACIFIC COMMUNITY MORTGAGE INC. v. JAMES BENNETT	Not for publication
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Opinion filed. Order dismissed.

Fybel, J.

We concur: Rylaarsdam, Acting P.J.  
Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
November 30, 2004 (Cont'd)**

CIVIL No. G033921	PACIFIC COMMUNITY MORTGAGE, INC. v. JAMES BENNETT	Not for publication
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Opinion filed. Judgment reversed and remanded with directions.  
Fybel, J.

We concur: Rylaarsdam, Acting P.J.  
Moore, J.

CIVIL No. G034028	ORANGE COUNTY SOCIAL SERVICES AGENCY v. SHAUNA T.	Not for publication
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Opinion filed. Judgment affirmed.

Sills, P.J.

We concur: Bedsworth, J.  
Moore, J.

CIVIL No. G034190	ORANGE COUNTY SOCIAL SERVICES AGENCY v. JENNIFER A.	Not for publication
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Opinion filed. Jurisdictional order affirmed.

Fybel, J.

We concur: Sills, P.J.  
Aronson, J.

CIVIL No. G034399	DIANE S. v. THE SUPERIOR COURT OF ORANGE COUNTY; ORANGE COUNTY SOCIAL SERVICES AGENCY et al.	Not for publication
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Opinion filed. Petition denied.

O'Leary, J.

We concur: Sills, P.J.  
Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 1, 2004**

Misc. Proceeding No. 4186

In the matter of the admission of attorneys to the practice of law. The Court of Appeal, Fourth Appellate District, Division Three met in special session on Wednesday, December 1, 2004, at the Hyatt Regency Orange County Hotel, 11999 Harbor Boulevard, Garden Grove, California. Court was called to order at 10:10 a.m. by Orlando Duarte, Deputy Clerk. Acting Presiding Justice Kathleen E. O'Leary present and introduces Associate Justices Richard D. Fybel, and Raymond J. Ikola, and Judge Cormac J. Carney from the United States District Court. Acting Presiding Justice Kathleen E. O'Leary called upon Dean J. Zipser, President-Elect of the Orange County Bar Association, Robert Scott Wylie representing State Bar Board of Governors, and John L. Dodd representing the Committee of Bar Examiners to briefly address the admittees. Associate Justice Raymond J. Ikola calls the roll and congratulates the new admittees. Acting Presiding Justice Kathleen E. O'Leary administers the oath and congratulates the new admittees. Judge Cormac J. Carney administers the oath to those present who have made formal application to the United States District Court. Associate Justice Richard D. Fybel makes closing remarks. Court in special session is adjourned at 11:00 a.m.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 1, 2004 (Cont'd)**

CIVIL	CYNTHIA L. BURCH	Not for publication
No.	v.	
G030653	JOSEPH E. MCKEEVER	

Opinion filed. Order affirmed.

Sills, P.J.

We concur: O'Leary, J.  
Moore, J.

CIVIL	SOKHWAN HAN et al.	Not for publication
No.	v.	
G031526	DENISE DAVIS	

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Rylaarsdam, Acting P.J.  
Ikola, J.

CIVIL	MARC BLUESTONE
No.	v.
G034466	CRAIG BERGSTROM

Order filed. Cross-appellant Marc Bluestone's motion to vacate the dismissal, reinstate the appeal, and relief from default is granted. The order of dismissal is vacated and the appeal is reinstated. Orange County Superior Court, Appellate Division, is directed to accept the cross-appellant's designation of the record on appeal, provided the designation is presented within 10 days of the date of this order. The parties are ordered to file a proposed briefing schedule within 20 days from the date of this order or both the appeal and cross-appeal will be dismissed.

Sills, P.J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 2, 2004**

CRIM No. G032738	THE PEOPLE v. SHANE RYAN SANCHES	Not for publication
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Opinion filed. Judgment affirmed.

Rylaarsdam, J.

We concur: Sills, P.J.  
Fybel, J.

CIVIL No. G033169	DANIEL R. WOLSKI v. FREMONT INVESTMENT & LOAN	Not for publication
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Opinion filed. Judgment affirmed.

Rylaarsdam, Acting P.J.

We concur: Aronson, J.  
Ikola, J.

CIVIL No. G033215	DANIELLE WARDAY v. GUY WARDAY	Not for publication
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Opinion filed. Postjudgment order affirmed.

Rylaarsdam, Acting P.J.

We concur: Aronson, J.  
Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 3, 2004**

Court convened at 11:00 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Rylaarsdam, J., and O'Leary, J. M. Urena, Deputy Clerk attending.

CIVIL	THOMAS J. McKINNEY
No.	v.
G034762	SAN DIEGO SUPERIOR COURT; CITY OF SAN DIEGO et al.

Merits. Cause called. Michael I. Neil argued for petitioner. John W. Howard present for petitioner. James M. Chapin argued for real parties in interest City of San Diego, Chuck Abdelnour, and City Council of San Diego. Robert P. Otilie argued for real party in interest Dick Murphy. Rory R. Wicks argued for real party in interest Donny Frye. Timothy M. Barry argued for real parties in interest County of San Diego and Sally McPherson. Fredric D. Woocher argued for amici curiae Martha Ready and John T. Ready. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
December 3, 2004 (Cont'd)**

CIVIL            JESUS PIEDRA et al.  
No.                v.  
G032653        JAMES M. DUGAN

The petition for rehearing is denied.

Fybel, J.

We concur:    O'Leary, Acting P.J.  
                     Moore, J.